

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

LANCE FRANK (1) and JOHNATHON
FRANK (2),

Defendants.

NO. CR-09-2075-EFS-1
CR-09-2075-EFS-2

**ORDER DENYING MOTION TO
RECONSIDER OR STAY ORDER OF
MARCH 10, 2010**

Before the Court, without oral argument, is the Executive Branch's Motion to Reconsider or Stay Order of March 10, 2010 (Ct. Rec. [130](#)), which asks the Court to 1) reconsider its Amended Order Denying the Government's Motion to Compel DNA Samples (Ct. Rec [119](#)) on the grounds that the Court improperly considered the presumption of innocence in its analysis or 2), alternatively, stay the Order pending resolution of *United States v. Pool*, 645 F. Supp. 2d 903 (E. D. Cal. 2009) (magistrate judge order), 2009 WL 2152029 (E.D. Cal. July 15, 2009) (district judge order). After reviewing the motion, the Court's prior Order, and relevant legal authority, the Court abides by its initial decision. Accordingly, **IT IS HEREBY ORDERED:**

1 the Executive Branch's Motion to Reconsider or Stay Order of March 10,
2 2010 (Ct. Rec. [130](#)) is DENIED.

3 IT IS SO ORDERED. The District Court Executive is directed to enter
4 this Order and to provide copies to all counsel.

5 DATED this 1st day of April 2010.

6
7 s/ Edward F. Shea

EDWARD F. SHEA

8 United States District Judge

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